

PRINCIPLES AND PRACTICES IN THE PUBLIC ASSISTANCE PROGRAM

PUBLIC HEALTH & WELFARE TECHNICAL BULLETIN

PH&W GHQ SCAP APO 500

MAY 1949

Foreword

Members of Military Government Teams and other interested persons have from time to time requested information concerning principles and policies used in guiding the formation of the public assistance program in Japan as well as for information concerning future planning. The information in this Bulletin will serve to answer many of these questions and may be used as a guide for those supervising local programs.

1. General

The present Japanese public assistance program has been in the process of development since October of 1945 when the Japanese Government was ordered to establish a plan to care for an anticipated 8,000,000 persons whom the government estimated would be in need of assistance. The passage of the Daily Life Security Law in September of 1946 was considered as a step toward the goal of a well-rounded Public Assistance Program, and a framework upon which such a program could be built. Since one of the fundamental reasons for the Occupation was (and still is) the democratization of Japan, the government was requested to provide a program which protected the rights of the individual and which provided assistance on a non-preferential basis to all persons in need.

World developments since 1945 have emphasized the need for a politically and economically sound Japanese nation, the economics and political ideology of which must be based on a modern concept of the rights and responsibilities of the individual. While it is true that democracies differ from each other in form the fundamental principles upon which they are based do not differ. Japan cannot be compared to the United States in its democratization process since that of the United States is a development of a century and a half of growth from the grass roots while that in Japan is, by and large, being developed from the top down in a matter of a few years. While it might be said that such action is in itself undemocratic and that education of officials at national level does not prepare the citizenry at large to accept these principles, it has been demonstrated that democracy in action, as exemplified by a truly democratic public assistance program, will speed the process through demonstration of those basic principles by concrete example on a level which touches the lives and living of a large percentage of the people. It is true that

reasons such as differences of cultural background, lack of qualified personnel, or lack of experience in doing a job in a democratic way, may hinder fruition of democracy in Japan, but these reasons are not sufficient in themselves to warrant a compromise in the basic principles.

The test of a democratic society is the scope of right and privilege possessed by its weakest elements. Here in Japan ultra-nationalists and war leaders exploited welfare programs to gain support of the people. This must not recur. Persons dependent on public support are under the greatest pressure to surrender their independence. History shows that the search for security takes precedence over the search for freedom and independence. It is imperative that both be guaranteed by law and by administration. Security must be provided those who need it without the sacrifice of individual independence and under conditions that will foster democratic thinking and action, and in a manner that will return them to a state of independence as quickly as possible.

2. Economy of Operation a Requisite

There are two important methods which are used to effect economical operation of a public assistance program. The first concerns the purely administrative functions on all levels of government. The Japanese government is only beginning its study of this phase of the program and will need considerable assistance in effecting the economies which come from stabilizing and standardizing forms, procedures, filing methods and other necessary clerical and administrative detail which must be employed in any public program. Several experiments are now in progress throughout the nation in the effective use of paid full-time personnel who are responsible for the operation of the program. Some progress has been made and much more is expected with relation to these administrative functions and processes and personnel. The Japanese government, local as well as central, has had no previous experience in a public assistance program of this type, and, in addition has been reluctant to break away from former administrative and personnel practices which appear to be wasteful, or at best, more expensive than need be.

The second area of economical operation concerns the expenditure of assistance funds. It is this area in which controls must be such that the nation is aware at all time that only those persons who are eligible are receiving public assistance, and that those persons are receiving only the amount of funds for which their needs make them eligible, as determined by the proper use of the allowances tables and careful consideration of their income and resources. Concurrently, the nation is responsible to its citizenry to determine that the local units which are responsible for administration of the program are providing assistance to all eligible persons up to the amount for which they are eligible, and that local governments are expending their legal share of the total expenditures required. Both Japanese and Occupation Forces reports have indicated that some local governmental units evade their responsibilities in this respect and attempt to save local funds by rejecting eligible persons for no apparent legal reason, and by use of national and prefectural funds without providing the ten percent for which the city, town or village is responsible.

With reference to those Articles of the Daily Life Security Law and to the regulations and ordinances which deal with eligibility factors and which were written in 1946 it must be noted that central government philosophy has changed to a considerable degree since that time. This change in the character of the program must be evident to those who have closely followed the orders which have been issued in the intervening period or who have followed the development of the program as reflected in Public Health and Welfare Technical Bulletins and the Public Health and Welfare Weekly Bulletins and inclosures therewith. This development has progressed from a point where the Japanese government was reluctant to provide for any national public assistance program to the point where government has recognized the need for and has established a system to allow complainants an opportunity for review of their complaints by higher than local authority. Noteworthy also is the fact that the Ministry of Welfare, of its own volition, has continuously attempted to meet needs by increasing assistance allowances as prices have increased, and, in addition, has recognized the need for broadening the basic requirements for a minimum living standard.

3. National Assistance Programs Provide Mass Treatment Only and are Evolutional

National assistance programs can attempt only to measure needs and to set standards of procedure for the care of large masses of people. The assistance and services, however, which are provided by the local administrative units must of necessity be based on the needs of individuals and of families, as it is upon this basis that assistance and services are provided in a democratic assistance program. It is axiomatic that no national law can hope to provide a formula by which all of the individual and family problems and needs may be met. The nation, by enactment of a law and by issuance of regulations attempts to set up standards by which to gauge the needs of a large majority of its needy citizens. Local units of government, in the application of the national program, will find that while the national program effectively provides an answer to the vast majority of those needs, it can only serve as a guide in providing for the needs of an appreciable segment of the population. The process by which local units fill unmet needs of this segment, based on their study of the individual case, will lead to eventual changes in the national program. This evolutionary process can result only if the local unit has ability and imagination sufficient to recognize that the scope of the program is of insufficient width to provide for all who are in need, and in whose behalf it is a wise policy to invest public funds. One of the most difficult decisions that government must make in the consideration of its public assistance program is the extent to which it can provide assistance to those persons who, for various reasons, are unable to provide a minimum living for themselves. Half measures are uneconomical in view of subsequent costs in disease, unrest, and costs of governmental processes which are required to correct resulting social ills. Providing assistance in insufficient amounts to families in need, or providing assistance only to a portion of the needy population is akin to providing medicine and medical care in insufficient quantities to cure the sick or to maintain the health of those who are apt to succumb to illness.

4. Responsibilities of a Public Assistance Agency and of the Recipient

If a public assistance program is to be effective it must perform its function in such a way that it carries out the principles as prescribed by law and by ordinances and regulations. It must undertake to set down the criteria by which it operates and the responsibilities of those who seek assistance from it. The following list of agency and recipient responsibilities are considered basic for a national public assistance program (originally published in Public Health and Welfare Weekly Bulletin #86, dated 16 - 22 August 1948).

a. Agency Responsibilities:

- (1) To accept applications for public assistance or for services and to act on the applications with a minimum of delay.
- (2) To inform the applicant of his eligibility or non-eligibility.
- (3) To provide a system for appeals to higher authority in the event of dissatisfaction with a decision rendered by an agency employee or an agency official.
- (4) To provide family or individual counselling services for persons who desire such services.
- (5) To provide knowledge concerning all parallel programs and services and a referral system.
- (6) To provide assistance adequate to maintain health and family unity on a basis compatible with decency standards of the area served.
- (7) To protect the individual recipient by recognizing the confidentiality of information provided by the recipient.
- (8) To conduct its business in such a way that its expenditures are properly accounted for and that it has recorded proof of eligibility for each person receiving public assistance from the agency.
- (9) The Agency should recognize that policies and rules are built around the majority of cases -- the average situation. It is unwise to lose sight of the goals of the program by preoccupation with the unusual case or the minority situation. In those few cases, policies should be used as far as they apply, supplemented by good judgment and common sense.

- (10) When need has been established, the applicant for public assistance should continue to receive his grant in an unchanged amount until needs change or ineligibility has been definitely established. Withholding a grant until presumptive ineligibility has been cleared is not good agency policy and often creates undue hardship for the recipient.

b. Responsibility of the Recipient:

- (1) While the recipient chooses whether he wants the agency's service, if he receives it he is obligated to also accept the legal limitations surrounding it, within which both the recipient and the agency must function. However, the agency must exercise care that operating procedures expedite agency function rather than introduce unnecessary or arbitrary complications.
- (2) The recipient must realize that the public agency concerned must have a record of the recipient's status which reflects the true condition of his family's situation at all times if the agency is to justify the expenditure of public funds for the support of the recipient.
- (3) The recipient should recognize that it is his duty to do everything in his power, within the limits of his physical and mental ability, to relieve the public of responsibility for his support, even for short periods of employment.
- (4) The recipient should be aware of the penalties for fraudulently receiving public funds for his support.
- (5) The able-bodied employable members of the family should be registered at employment offices. Those claiming illness should have a statement concerning condition from a physician. Nothing in the above two points is meant to imply that mothers with growing children or that those who are needed in the home for other reasons should be forced into employment.
- (6) The applicant must realize that there is only one basic requirement for public assistance and that that basis is need. There are no provisions in the Daily Life Security Law for payments to special groups of persons who suffered losses as a result of war or for any other discriminatory reason. Public assistance funds, in the last analysis, are provided through tax payments by one's friends and neighbors. It is the desire of the nation through the wise use of these funds and with the pattern as set up by the Daily Life Security Law, to provide for its more unfortunate citizens the minimum amount of assistance which will provide a healthful, decent living for those persons.

5. Modification of Existing Programs and Policies Desirable

In view of the above statements concerning a modern public assistance program in a democratic society, all of which are believed to apply to the present situation in Japan, it is desirable that interpretation of the present program be based, where applicable, on the following material. It is believed that the Daily Life Security Law must be amended to conform, but that amendment should await further study on the basic decision as to whether the entire program should be altered to conform to a true grant-in-aid program with its attendant features, such as prefecturally autonomous programs based on fundamental national principles, or whether it should continue as a nationally controlled and locally operated program.

6. Statistical Reporting and Fiscal Controls Require Adjustment

Present statistical reporting leaves much to be desired. The Ministry of Welfare does not receive information concerning the makeup of the national case load by categories which reflect the kinds of persons receiving assistance nor the numbers of applications, rejections and acceptances in order to determine case load turnover. Proper accounting procedures and fiscal controls over expended funds are also lacking. Present fiscal reporting procedures stem from previous Japanese systems which required little accounting once funds were allocated. It is imperative that the Ministry of Welfare be fully prepared to justify expenditures through a proper fiscal control system and through preparation of reports which show the kinds of people who receive assistance in the event that the Diet ever challenges the use of funds allotted to the Ministry for public assistance purposes. At present the Social Affairs Bureau is studying statistical requirements and will improvise new statistical procedures at an early date. The material required will provide for knowledge of the numbers of persons receiving assistance, the kinds of persons - employable or unemployable, the turnover in case load and other pertinent factors.

7. Minsei-in and Functional Reorganization

It has been recommended that the Ministry review the position of the volunteer in the public assistance program. The extent to which Minsei-in are being used in the program is contrary to good public assistance program practices. According to the Daily Life Security Law it is the head of the city, town or village who is legally responsible for proper operation of the local program. The practice of allowing Minsei-in full authority for accepting or rejecting, without official record, the applications for assistance places these officials in a precarious position. It is believed that functional reorganization of necessary procedures and personnel will allow for use of paid responsible public officials who can carry on the present duties of the volunteer. It is further pointed out that a strong national organization of 120,000 persons who in effect control the livelihood of a fairly large segment of the population is challengeable. Various experiments now under way will be augmented by greater assistance from the Ministry of Welfare and from Occupation Forces personnel. A final decision concerning this problem is planned during 1949.

8. "Less-than-necessary Assistance" Policy of Questionable Value

The Japanese public assistance program is predicated on the basis that less than the amount actually required for a minimum living should be granted the family in the belief that such a system acts as a spur in keeping the family "on its toes". This device may be of questionable value if misused, and may, in fact, cause harmful results to a high proportion of the present case load which now consists overwhelmingly of widows with children, families in which the breadwinner is ill, and old people. (Note: In some ten cities, towns and villages visited during the past month there were no employable unemployed persons receiving assistance. Persons listed as "Unemployed" on statistical reports were widows with small children, or old persons beyond the normal working age, but still desirous of working. Best estimate possible at present in Tokyo-to is that of the 101,000 persons receiving assistance 1,500 are considered unemployed employables. Many of these are recent repatriates).

It is to be noted that the allowance figures for "daily living" takes this less-than-enough factor into consideration in that the amount provided is actually less than the family or individual needs. Military Government reports indicate that some localities further reduce these allowances by showing higher income than is actually received by the family. Since most of the prices from which the allowance is determined are official this practice provides a double reduction from the amount which is actually required to effect a minimum living standard. Paradoxically other localities, or other Minsei-iin in the same locality, show the family as receiving less income than the actual in an attempt to gain more assistance for the family. A more realistic program of statistical reporting will assist the Ministry of Welfare in determining the makeup of the national case load and may indicate that the policy of "less than necessary assistance" may result in higher future costs for medical care, juvenile delinquency, and other results of continued subsistence on a sub-standard budget.

The Ministry of Welfare now is considering a tenth revision to its basic public assistance allowances tables. The revision will reflect increases in prices as well as to broaden the basis upon which the total allowance is formulated. Additionally, consideration is being given to differentiation between long time and short time cases, with an allowance to employable unemployed cases of a percentage of the total budget.

9. Workability as a Factor in Determining Eligibility

There is some evidence that local welfare officials (as well as some on higher levels) are interpreting Article 2, Item (1) of the Daily Life Security Law to mean that workable people are not eligible for assistance. The ambiguity of this Article is believed to be one of the basic causes for misunderstanding the aims of the program. Article 2, Item (1) reads: "Persons who fall under any of the following categories shall not receive protection under this law:

(1) Persons who, in spite of their being capable of doing so, have no will to work, or persons who neglect work or persons who make no efforts to maintain their living".

Consideration should be given by Minsei-in and local officials to the following factors: It cannot be assumed that because a man or woman has a healthy mind and body he has, per se, income sufficient for a minimum living. Welfare officials discharge their responsibility to the employable person by making certain that the individual concerned is registered for employment; by referring the individual to known work opportunities; by nurturing and fostering the individuals desire to work; and by giving sufficient daily living aid and medical care to assure that the individual is in condition at all times to accept employment.

"No will to work", "neglect of work" or "lack of effort to maintain a living" may be the result of a variety of causes. Some of these are mental illness, low intelligence quotient or general health conditions. Welfare officials must be certain that apparent lack of desire to work does not stem from a source such as those noted. If persons with such limitations are to be referred to employers, care should be exerted to fit the type of work to the physical or mental capacity of the individual.

The group at which this particular Article of the law was aimed are those persons, who though able physically, not mentally ill in the accepted sense of the term or not of low intelligence quotient, have lost the desire to work to support themselves and families. Social workers will recognize this person as the type who does nothing, who believes himself ill and not able to work, or who spends his time in pursuits such as drinking, gambling, etc. It is recognized that techniques in case work treatment for these persons are not fully developed; however, an attempt should be made to understand the personal problems involved and an effort should be made to rehabilitate these persons. Beyond such consideration for the concerned individual the welfare official must consider the needs of the individual's family who should not be made to suffer as the result of a decision made concerning the head of the family.

The Ministry of Welfare is now developing regulations concerning these problems for early release.

10. Consideration for Special Problems of the Individual

Japanese philosophy concerning the welfare program is based on the premise that all who are able shall work (note emphasis on day nurseries, mothers and children's homes with nursery and workshop attached, workshops which are "protective institutions" for use by women, physically handicapped, and people too old to find normal employment). In actual practice some officials go beyond acceptable standards in applying this principle. The Ministry of Welfare is now studying the advisability of clarifying this unofficial ruling. The families in which they are particularly

interested are those without a normal head of the household or in which the head of the household is incapacitated and in which there are preschool children, particularly infants. The Ministry of Welfare will also encourage Minsei-in, Jido-in, and local officials to give particular attention to the problem of widows with children, since it is this group which presents today and will continue for years to present the greatest single social problem in Japan. There have been evidences of collusion between officials and business men in referrals for work opportunities. Generally, little attention is given to the individual or family problems of the person concerned.

11. The Workshop as a Welfare Institution

There is serious question as to the advisability of continuing the practice of supporting certain workshops, public and private, as welfare institutions. Such shops apparently receive support in several ways. As "protection" institutions they operate on a tax free basis; they receive administrative costs per person for public assistance cases; they may receive subsidies in bulk amount from prefectures or cities, towns and villages; they may receive support from the Community Chest; they receive active support from public officials in securing materials, contracts, etc; and they receive "referrals" of public assistance recipients or applicants from public welfare officials.

The Ministry of Welfare classes such shops as welfare institutions because their reason for existing is to provide part or full time shop or home employment to individuals or families of low income, the aged, physically handicapped, or public assistance recipients. Most Japanese officials and ordinary citizens favor these shops because of their professed purpose in assisting in the support of low income groups and because they engender and foster work training and good work habits. It is also claimed that savings in public assistance funds because of the deduction of income from the tables of allowances for the public assistance family.

While these contentions may be true, there are certain definitely questionable features involved in addition to those inherent in the points listed above. They are:

a. There appears to be little legal control over wages, working hours, or standards of employment;

b. The cost to the public as support to such enterprises makes extremely questionable any overall saving to the public as a consequence of reductions in public assistance allowances.

c. Opportunity for collusion between operators, contractors and officials, are apparent, and there have been reports of such collusion.

d. Vocational training or work habit engendering might properly be left to those shops under the Ministry of Labor which are legally authorized for such purposes.

e. Economic value to the nation is questionable. It is believed that if such shops compete on the open market, as they do, there must be a tendency to depress working standards and wages of all private enterprises in competition with them. It is believed that if the production involved is of economic value to the nation, private enterprise can and should assume such production which would result in an equal number of job opportunities.

Welfare Organization and Rehabilitation Branch, Welfare Division, Public Health and Welfare, is at present working with the Ministry of Welfare and with Military Government, Eighth Army, to attempt final determination as to the future of such shops as welfare institutions.

12. Education Laws Require Support

A high incidence of non-attendance of compulsory school age children indicates a lack of interest on the part of local officials in enforcing school attendance laws. Reports indicate and personal observation verifies that a high percentage of non-attendance is directly or indirectly for economic causes. Families find it imperative that the child work or that the older child stays at home to care for younger family members while the parent or parents work. The latter case is often true in families without a normal breadwinner. Since one of the tenets of democracy is equality of opportunity for education and because in Japan there are compulsory education laws and it is the duty of all local officials to cooperate in enforcing these laws there should be no compromise of this principle. The need for participation of this segment of the population in productive enterprise has not been demonstrated.

13. Labor Laws Require Support

The Child Welfare Law and the child labor laws and regulations prohibit certain types of employment and restrict the hours of employment or employment hours plus school hours. These laws are based on the fundamental principle that all children shall have equal opportunity for education and that children shall not be exploited by the government or by individuals. Welfare officials, as government employees, cannot be guilty of compromise in the national attitude as expressed by these laws, since people in general will adapt their thinking to that exhibited by the public officials or to the actions or lack of action taken by those officials. A cheap and easily controlled labor pool is the fundamental reason for the desire for child labor. Again, there is no demonstrated need for participation of children in the Japanese economy. This principle should not in any way be interpreted as to prohibit normal home duties in the home itself or in the home business insofar as is consistent with the health and well being of the child and with child welfare and child labor laws.

14. Morality as a Factor in Determining Eligibility

Article 2 Item 2 of the Daily Life Security Law reads as follows: "Persons who fall under any one of the following categories shall not receive protection under this law.

Item 2. Persons of bad behaviour."

If we accept the principle expounded in Article 1 of the same law, namely, that "The object of this law is to promote social welfare through the state taking over the responsibilities in furnishing protection to persons whose living conditions require assistance, equally without discrimination or priority", then Article 2, Item 2, quoted above, appears inconsistent. In practical application the Article cannot be supported by democratic principles nor by accepted social work principles because it eliminates consideration of groups of persons for whom public assistance is a part of the treatment of the social ills of those persons, and, in addition, often involves other members of the family who are innocent of bad behavior. Specifically, misinterpretation of the Article may prohibit public assistance to former prostitutes who are referred to welfare officials by other agencies which are interested in reformation, or to ex-convicts or probationers, all of whom may, as a result, continue their bad behaviour, particularly when wives or children are included in the individual's family and dependent upon him for support. The wide interpretation possible, particularly by untrained officials and volunteers, leads to inequality of action and places a responsibility on these persons which they are unqualified to accept. The Ministry of Welfare is at present formulating policy concerning this problem for early release.

15. Responsibility of Relatives as a Factor in Determining Eligibility

Article 3 of the Daily Life Security Law states: "Any person who has a responsible supporter capable of fulfilling his obligations toward him shall not receive the protection under this law except under urgent circumstances." "Responsible supporters" are defined in the Civil Code (Articles 877-8-9) as (1) lineal relatives by blood and brothers and sisters (2) those of the third degree (cousins, uncles, etc.) only by order of the Court of Domestic Relations, and, as interpreted by the court, only to the extent that the relative of the third degree is able while maintaining his present degree of living standard. Generally, lineal relatives and brothers and sisters are responsible "to the last crust of bread." Obviously when carried to the extreme, such a policy can defeat the purposes of a public assistance program in that all families in relation through the second degree may be impoverished in attempt to maintain the needy relatives and may, in the end, cost the public an even greater amount in public assistance. Family unity, as expressed by this law and as demonstrated in everyday Japanese life is an admirable and desirable feature in the culture of the nation; however, as should be, it is within the scope of the Daily Life Security Law to temper justice with mercy, and, more to the point, with common sense when the need is indicated.

Thoughtful consideration should be given the following factors when decisions must be made concerning this problem, particularly in those cases in which the relative is not resident in the immediate household and the assistance applicant appears to be a long term case:

a. If a protracted drain upon the resources and income of the relative is contemplated, the amount which he is to contribute should not be larger than that which he can afford to contribute and still maintain a minimum standard for his family.

b. Consideration should also be given to his own future family plans.

c. A signed statement concerning his contribution should be a part of the applicant's public assistance record.

d. Relative living in other places should be contacted through the welfare office of the relative's residence.

e. Welfare officials must be certain that the applicant actually receives such contributions continuously before deductions are made. If the relative fails in his responsibility the applicant is not responsible for such failure and the welfare official should take the proper administrative or legal action. The Ministry of Welfare is formulating policy for early release.

16. Family Resources as a Factor in Determining Eligibility

Repeated reports by both Japanese and Occupation Forces personnel indicate that families who apply for public assistance are forced to sell most of their household furnishings, clothing, and personal belongings, and, in some instances, the home in which the family resides, and exhaust these resources before becoming eligible for assistance. All resources must and should be considered. Any article which might be considered an investment rather than an article of normal household use would certainly be a saleable resource. Additional clothing which the family might have beyond a reasonable limit might possibly be called a resource; however, in view of the fact that Japan will not be in a position to be self sufficient in cloth production for some time, the forced sale of such items may not be wise if the family appears to be long term case. Similarly, enforced sale of the home in which the family is living may be shortsighted unless the home is larger than is required for the family use or is of such a nature that it actually serves as an investment to the family. Consideration for the needs of the children and the future of the family should enter into the final decision. The Ministry of Welfare is formulating policy for early release.

17. Conclusion

It is evident that in the formulation of policy and the issuance of regulations the Ministry of Welfare will discharge only a portion of its responsibility. Immediate results cannot be expected since acceptance of the principles involved can only come through intensive in-service training and education of Minsei-iin and public officials. The Ministry of Welfare, through the schools of social work and its training programs, will give proper emphasis to intelligent evaluation of these problems.

